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EXAMINER				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/751,436

**Applicant(s)**

LEE ET AL.

**Examiner**

CongVan Tran

**Art Unit**

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 13-15 is/are allowed.
- 6) ☐ Claim(s) 1, 6, 7, 12, 16 and 17 is/are rejected.
- 7) ☐ Claim(s) 2-5 and 8-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-17 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
4. Claim 17 recites the limitation "computer readable medium" in line 1. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1, 6- 7, 12 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Nakatsugawa et al. (7,136,365).

Regarding claim 1, Nakatsugawa discloses a home agent router, comprising: a packet analyzer, which receives a packet and analyzes the packet (see fig.28, elements 34-35, col.17, lines 62-63); a database, which stores information indicating whether said at least one home agent operates normally according to the result of the analysis (see fig.28, elements 31-32, col.17, lines 48-51, and figs. 29-30); and a home agent function executor, which performs a home agent function in place of said at least one home agent when said at least one home agent does not operate normally (see abstract, fig.28, element 33, col.17, lines 56-61).

Regarding claim 6, Nakatsugawa further discloses a received packet storage unit, which stores the received packet (see fig.28, elements 31, 35, col.17, lines 48-51).

Regarding claims 7, and 16, Nakatsugawa discloses a home agent router, comprising: determining whether a home agent operates normally using a database, which stores information on home agents that do not operate normally (see fig.28, elements 34-35, 31-32, col.17, lines 48-51, and lines 62-63); and when it is determined that the home agent does not operate normally, performing a home agent function in place of the home agent (see fig.28, element 34, col.17, lines 48-51, and lines 62-63).

Regarding claim 12, Nakatsugawa discloses a home agent router, comprising: storing a packet directed to the home network (see fig.8, element 23); determining whether the packet is a binding update message (see fig.8, element 22); and when a binding acknowledgement message for the binding update message is not received within a predetermined period of time, performing a home agent function in place of the home agent of the home network (see fig.30, col.18, lines 19-20).

7. Claims 1, 6- 7, and 16-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Igarashi et al. (2002/0188562).

Regarding claim 1 Igarashi discloses a system including at least one home agent (see figs.1-2, element 21) of a home network (see figs.1-2, element 1) in a network (see figs.1-2) the apparatus comprising: a packet analyzer, which receives a packet and analyzes the packet (see figs.1-2, element 21, paragraph [0194], [0202]); database, which stores information indicating whether said at least one home agent operates normally according to the result of the analysis (see figs.1-2, element 23, paragraph [0195]); and a home agent function executor, which performs a home agent function in place of said at least one home agent when said at least one home agent does not operate normally (see figs.1-2, element 22, paragraph [0194], [0199]).

Regarding claim 6, Igarashi further discloses a received packet storage unit, which stores the received packet (see paragraph [0220]).

Regarding claims 7, and 16-17, Igarashi discloses a method of managing one or more home agents (see figs.1-2, element 21) of a home network (see figs.1-2, element 1) in a network (see figs.1-2), the method comprising: determining whether a home agent operates normally using a database, which stores information on home agents that do not operate normally (see figs.1-2, element 23, paragraph [0195]); and when it is determined that the home agent does not operate normally, performing a home agent function in place of the home agent (see figs.1-2, element 22, 23, paragraph [0194], [0199]).

***Allowable Subject Matter***

8. Claims 2-5, 8-11 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CongVan Tran whose telephone number is 571-272-7871. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Appiah can be reached on 571-272-7904. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CongVan Tran/  
Primary Examiner, Art Unit 2617